

August 22, 2016

Letter of Appeal
Mrs. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Request for Waiver

Request Waiver of the Rules on Deadlines to File an Appeal
\$0-Funded BEAR
CC Docket No. 02-6

Appellant Name: David Gornstein
Applicant: DeLand-Weldon Community Unit School District #57
BEN: 136277
Funding Year: 2014
Form 471 #: 966807 & 938851
FRN: 2630071 & 2562631, respectively

Dear Mrs. Dortch:

The DeLand-Weldon Community Unit School District #57 is respectfully appealing USAC's Administrator's Decision on Appeal – Funding Year 2014-2015 of August 16, 2016 having the following reason:

- Our records show that your appeal was postmarked more than 60 days after the date of your FCC Form 472 (BEAR) Notification Letter was issued, as shown above. Federal Communications Commission (FCC) rules require applicants to postmark appeals within 60 days of the date on the decision letter being appealed. FCC rules do not permit the Universal Service Administrative Company (USAC) to consider your appeal.

We are writing to request an additional 30 day extension in order to submit our FY 2014 BEAR for approval. We originally submitted our BEAR request on December 3, 2015, which was approved on March 8, 2016, and our subsequent BEARs were filed on March 12, 2016, #s 2359759 and 2359760. Unbeknownst to the filer and contact David Gornstein of E-Rate Funding Services, LLC nor the applicant remittance contact, Dr. Jeffrey Holmes, that a \$0 BEAR Notification Letter was issued on April 20, 2016. Said letter was addressed to Dr. Gary Brashear, who is no longer with the district.

Our concern is that the BEAR Notification Letter was sent to neither of the individuals noted in the BEARs; rather the notice went to a former Superintendent. Had either of us been appropriately advised, a corrected BEAR would have been filed. We ask that we be granted an extension to affect those filings.

Reason that BEAR was \$0-funded: Bill Date before Service-Start Date

We note here that the Waiver of the Rules would serve the public interest by allowing the District to recover its eligible telecommunications services, without adversely affecting current or future E-rate applicants.

Granting the deadline extension request(s) does not promote waste, fraud or abuse.

Further, the fact that notification was not made to any of the noted parties of the BEAR filings, clearly shows that special circumstances exist and that the Commission should waive the appeal filing deadline.

Payments for the services rendered have been made to the service provider and we are now looking to request reimbursement for those approved services. The District respectfully requests approval of this waiver, which would allow the District to recover funds, committed and has already paid for.

For the Applicant,



David Gornstein, PHF
dave.erfs@att.net

Att.: LOA